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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/535,481	05/18/2005	Declan Patrick Kelly	PHNL021354US	7226
24737 7590 02/12/2008 PHILIPS INTELLECTUAL PROPERTY & STANDARDS P.O. BOX 3001 BRIARCLIFF MANOR, NY 10510			EXAMINER HICKS, CHARLES N	
			ART UNIT 2623	PAPER NUMBER
			MAIL DATE 02/12/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/535,481

Applicant(s)

KELLY ET AL.

Examiner

Charles N. Hicks

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 May 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>5/18/2005</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claim 1-4, and 18-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Lennon (US 2003/0070170 A1), hereinafter referred to as Lennon.

3. Regarding claims 1 and 18, Lennon discloses a method for concurrently presenting multiple content types on a video platform comprising:

a) receiving a first content associated with a first content type (**fig. 1-2, pg. 4, paragraphs 44-46**);

b) receiving a second content associated with a second content type (**fig. 1-2, pg. 4, paragraphs 44-46**);

and c) concurrently presenting the first content and the second content to the user via the video platform (**fig. 5-8, pg. 4, paragraph 53**).

4. Regarding claim 2, Lennon discloses the method wherein the video platform is an interactive television platform (**fig. 2, pg. 3, paragraph 33**).

5. Regarding claim 3, Lennon discloses the method further including: before step b), receiving a user command to select the second content (**fig. 2-5, pg. 2, paragraphs 33-35**).

6. Regarding claim 4, Lennon discloses the method wherein the first content and the second content are combined to form a composite screen (**fig. 7-8, pg. 5, paragraphs 58-59**).

7. Regarding claim 19, Lennon discloses the television platform further including: a means for receiving a user command to select the second content (**fig. 7-10, 12, pg. 5, paragraphs 64-65**).

8. Regarding claim 20, Lennon discloses the television platform further including: a means for combining the first content and the second content in a composite screen, the human viewable display of the second content including a transparent background and overlaying at least a portion of the human viewable display of the first content (**fig. 5-8, pg. 4, paragraph 53**).

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

11. Claims 5-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lennon, in view of Davis (US Patent No. 5,576,755), hereinafter referred to as Davis.

12. Regarding claim 5, Lennon fails to disclose the method wherein the first content is advertisement content. However Davis discloses the method wherein the first content is advertisement content (**col. 1, lines 15-39**). Motivation to combine the references is found due to the fact that both provide different streams of information to the display of the user at the same time. The invention would have been obvious to one of ordinary skill in the art at the time of the invention.

13. Regarding claim 6, Lennon discloses the method wherein the second content is selected from the group consisting of information content, electronic mail content, downloadable file content, and program content (**fig. 7-8, pg. 4, paragraph 53**).

14. Regarding claims 7 and 14, Lennon discloses the method wherein the first content is program content (**fig. 1-2, pg. 4, paragraphs 44-46**).

15. Regarding claim 8, Lennon discloses the method wherein the second content is selected from the group consisting of information content, electronic mail content, downloadable file content, and advertisement content (**fig. 7-8, pg. 4, paragraph 53**).

16. Regarding claim 9, Lennon discloses the method wherein the second content includes text with a transparent background and overlays at least a portion of the first content (**fig. 7-8, pg. 4, paragraph 53**).

17. Regarding claim 10, Lennon discloses the method wherein the second content includes at least one graphics object and overlays at least a portion of the first content (**fig. 7-8, pg. 4, paragraph 53**).

18. Regarding claim 11, Lennon discloses the method wherein the second content is translucent (**fig. 7-8, pg. 4, paragraph 53** *wherein the edges of the displayed secondary content overlap but do not impede perception and are therefore translucent*).

19. Regarding claim 12, Lennon discloses the method wherein the second content includes at least one video object and overlays at least a portion of the first content (**fig. 7-8, pg. 4, paragraph 53** *wherein the TV mail content is a picture or short video*).

20. Regarding claim 13, Lennon discloses the method wherein the second content is translucent (**fig. 7-8, pg. 4, paragraph 53** *wherein the edges of the displayed secondary content overlap but do not impede perception and are therefore translucent*).

21. Regarding claim 15, Davis discloses the method wherein the second content is audio advertisement content (**col. 1, lines 15-39** *wherein the advertisement has an audio component as well as a video component*).

22. Regarding claim 16, Lennon discloses the method wherein the first content includes an audio portion and a video portion, which audio portion is not required to understand the video portion (**fig. 1-2, pg. 4, paragraphs 44-46** *wherein on a digital music channel the video is not required, and on a closed – caption program the audio is not required*).

23. Regarding claim 17, Lennon discloses the method wherein the first content does not include an audio portion (**fig. 1-2, pg 4, paragraphs 47-48** *wherein the chat room program does not include an audio portion*).

Conclusion

24. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Schneidewnd (US Patent No. 6,182,287 B1) discloses a service management system for multimedia. Sanson (US 2004/0098749 A1) discloses a television receiver and method of operating a server. Abrahams (US 2002/0120934 A1) disclose interactive television browsing and buying method.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles N. Hicks whose telephone number is 571-272-3010. The examiner can normally be reached on M-F 7:30AM to 5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on 571-272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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